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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL LEE ETTER,
Plaintiff
v.
RICKI J. SHADDAY, et. als.,
Defendants

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NO. 1:cv-00-2147

JUDGE CALDWELL

FILED
HARRISBURG, PA

FEB 12 2001

MARY E. O'ANDREA, CLERK
Per _____

BRIEF IN SUPPORT OF
MOTION FOR EXEMPTION FROM PLRA FEES AND COSTS

The clear import of the Prison Litigation Reform Act (PLRA), as reflected by its title, is to curtail meritless prison litigation. See H.R. Rep. No. 104-378, 104th Cong., Sess. at 166. (1995) (the prison litigation reforms are intended to "discourage frivolous and abusive prison lawsuits"). This case is not a case which falls within the parameters of "prison litigation", as it is not a challenge to the conditions of confinement, nor does it list any prison officials, employees, or others affiliated with prisons, as defendants.

The United States Court of Appeals for the Third Circuit has held "that where the underlying litigation is criminal, or otherwise of the type that Congress did not intend to curtail, [the prisoner] need not comply with the PLRA." Madden v. Myers, 102 F.3d 74, 77 (3rd. Cir. 1996).

For these reasons, Plaintiff Etter should be exempt from the PLRA.

Respectfully submitted,

Date: February 7, 2001


Michael Lee Etter, pro se

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Plaintiff	:
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	: NO. 1:cv-00-2147
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Defendants	: JUDGE CALDWELL

MOTION FOR EXEMPTION FROM THE PRISON LITIGATION REFORM
ACT IN FORMA PAUPERIS FEES AND COSTS

NOW COMES, Michael Lee Etter, above named plaintiff, pro se, who hereby respectfully request this Honorable Court to issue an order which stops withdrawals from his prison account to pay the filing fees in the above captioned case. In support of this request plaintiff submits;

1. The clear import of the Prison Litigation Reform Act, (PLRA) as reflected by its title, is to curtail meritless prison litigation.
2. The instant case, albeit a civil action brought by an incarcerated individual, does not fall within the parameters of the PLRA because; [1] it is not a challenge to the conditions of confinement; [2] the named defendants are not prison officials, employees, or otherwise affiliated with the Department of Corrections.